VI.—GOVERNMENT BILLS.

(1) THE STATE CO-OPERATIVE SOCIETIES (RECONSTITUTION AND FORMATION) BILL, 1954.

MR. SPEAKER :—" I pass on to the next item. The Hon. Dr. Krishna Rao will move his motion."

* THE HON. DR. U. KRISHNA RAO :—" Sir, I beg leave to introduce the State Co-operative Societies (Reconstitution and Formation) Bill [a], 1954, and move—

' *That the Bill be taken into consideration at once.*'

" Sir, the partition of the State necessitated the reconstitution of the three State Co-operative institutions, namely, the State Co-operative Bank, the Co-operative Central Land Mortgage Bank and the State Handloom Weavers' Co-operative Society. An Ordinance called the Madras State Co-operative Societies (Reconstitution and Formation) Ordinance, 1953 (Madras Ordinance II of 1953) was therefore promulgated, providing for the reconstitution of these societies by excluding from the area of co-operation the territory now comprised in the Andhra State. With the said territory as their area of operation, new societies have been formed. As the ordinance will cease to operate at the expiration of six weeks from the date of reassembling of the legislature, it is necessary to give permanent effect to any act done and decisions taken in pursuance thereof. The Bill is a non-controversial one and is intended to achieve the above objects. There is only one printers' mistake and I would like to point that out. In the Short Title the figure '1953 ' at the end of sub-paragraph (1) may be read as ' 1954.' I request that the Bill be taken into consideration at once."

MR. SPEAKER :—" Motion moved—

' That State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be taken into consideration at once.'

" The Bill is before the House for discussion. The hon. Sri Ramalingam has given notice of an amendment. He may move his amendment."

SRI S. RAMALINGAM :—" Sir, I beg to move—

' *That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be referred to a Select Committee.*'

12-20 p.m. " கனம் சபாநாயகர் அவர்களே, என் பெயரால் இருக்கக்கூடிய திருத்தத்தை நான் பிரேரேபிக்கிறேன். இந்த மசோதாவை ஒரு பொருக்குக் கமிட்டிக்கு விட்டு அவர்களுடைய ஆலோசனையைக் கேட்டு ஒரு உறுதியான முடிவு செய்யவேண்டும் என்பதுதான் இந்த திருத்தத்தின் தாத்பரியம். இந்த திருத்தத்தை இந்த சபையின் முன்பு பிரேரேபிக்கிறேன். எற்கெனவே இருந்த சென்னை ராஜ்ய கோவாபரேடிவ் கிரெடிட் சொஸைட்டிகளும், இன்னும் பல சங்கங்களும் ஆந்திர ராஜ்யம் பிரிக்கப்பட்ட பிறகு எவைகள் ஆந்திர மாகாணத்திற்கும் எவைகள் எஞ்சிய சென்னை ராஜ்யத்திற்கும் என்று நிர்ணயிக்

[a] Published in the *Fort St. George Gazette*, dated 22nd December 1953.

4th January 1954] [Sri S. Ramalingam]

கப்பட்டு ஒரு அவசரச் சட்டம் கொண்டுவரப்பட்டது. சென்னை ராஜ்ய கூட்டுறவு சொசைட்டி ரிஜிஸ்திரார் அவர்கள் ஒரு ஜெனரல் பாடி கூட்டத்தைக் கூட்டி அவர்கள் என்ன வகுக்கிறார்களோ அந்த யோசனையை ஒத்துக் கொண்டால் அதை சட்டமாக்க வேண்டும் என்றும் அதை ஒத்துக்கொள்ளா விட்டால் ஒரு ஹை கோர்ட் ஜட்ஜை நியமித்து அவர்களுடைய முடிவை சட்டத்தில் கொண்டு வரவேண்டும் என்று ஒரு யோசனை அந்த அவசர சட்டத்தில் கூறப்பட்டது. ஆனால் நம்முன் இருக்கக்கூடிய மசோதாவில் கனம் மந்திரி அவர்கள் பேசியபோது ஆந்திர மாகாணம் பிரிந்த பிறகு ஏற்பட்ட சங்கங்கள் என்னன்ன, அதன் மாறுதல்கள் என்ன, ஜெனரல் பாடி கூட்டம் கூட்டி ரிஜிஸ்தரார் அவர்களுடைய யோசனை என்ன, அந்த யோசனைகளை ஜெனரல் பாடி ஒத்துக்கொண்டதா, ஏதாவது விஷயத்தில் மாறுபட்ட அபிப்பிராயங்கள் இருக்கின்றனவா, யாராவது ஒரு ஜட்ஜை நியமித்து முடிவு செய்தார்களா, அந்த மாதிரியான விஷயங்களை நமக்கு அவர் தெரியபடுத்தவில்லை. என்ன மாறுதல்கள் ஏற்பட்டிருக்கின்றன, இது அவசரம்தானா, இந்த சட்டம் வேண்டுமா என்பதை இந்த சபையால் நிர்ணயிக்க முடியாது. ஆகவே ஒரு செலக்ட் கமிட்டியிடம் விட்டால் இந்த காரியங்களை கவனிப்பதற்கு ஓர் சந்தர்ப்பம் ஏற்படும், பிறகு கவனித்து ஒரு முடிவு செய்ய முடியும் என்பதை சொல்லிக்கொண்டு இதை பிரேரேபிக்கிறேன். அவசரச் சட்டத்தில் வந்தது என்ன, இந்த சட்டத்தில் என்ன மாறுதல் இருக்கிறது என்பது தெரியாமல் இருக்கிறது. அதை தெரிந்துகொள்ள வேண்டும் . . ."

Mr. SPEAKER :—" இதை யாராவது செகண்ட் பண்ணவேண்டும். அதன் பிறகுதான் நீங்கள் பேசலாம்."

Sri R. KRISHNAN :—" I second the amendment."

Mr. SPEAKER :—" Motion moved—

'That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be fererred to a Select Committee.'

" The motion as well as the amendment are now before the House for discussion."

* **Sri M. PALANIYANDI** :—" கனம் சபா நாயகர் அவர்களே, தோழர் கனம் எஸ். ராமலிங்கம் அவர்கள் கொண்டுவந்திருக்கும் திருத்தத்தை ஆதரித்துப் பேசுகிறேன். அப்படி பேசும்போது கோவாபரேடிவ் சொசைட்டி மசோதாவை ஒரு பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்று கொண்டு வரப்பட்ட பிரேரேபணையை ஆதரித்துப் பேசும்போது இந்த மசோதாவில் பல சட்ட திட்டங்கள் அல்லது கோரிக்கைகளை யெல்லாம் சரிவர உணர்ந்து ஏழை மக்களுக்கு . . ."

The Hon. Sri C. SUBRAMANIAM :—" This Bill has nothing to do with that."

Mr. SPEAKER :—" தயவு செய்து இந்த மசோதாவை படித்துவிட்டு பேசுங்கள்."

Sri M. PALANIYANDI :—" நான் இதை ஆதரிக்கிறேன்."

* Sri K. VINAYAKAM :—" Sir, before this House passes the Bill, I wish to have a small piece of information from the Hon. Minister. What are the new societies that have been formed and what are the societies that have been reconstituted after the promulgation of the Ordinance? "

* THE HON. DR. U. KRISHNA RAO :—" Sir, as regards the point raised by my friend Sri K. Vinayakam, the answer to it is contained in items (*c*) and (*d*) of clause 2 which are as follows :—

' (c) Reconstituted societias means the Madras State Co-operative Bank, Limited, the Madras Co-operative Central Land Mortgage Bank, Limited, and the Madras State Handloom Weavers' Co-operative Society, Limited, as reconstituted in pursuance of the Ordinance ; (d) " new societies " means the Andhra Co-operative Central Land Mortgage Bank and the Andhra Handloom Weavers' Co-operative Society.'

" Sri Ramalingam wanted to know the purpose of the provisions in the Ordinance. The purpose was to enable the Registrar of Co-operative Societives to give a decision should any difference of opinion arise on any matter during the partition, and if his decision was not acceptable, to enable the reference of the matter to a High Court Judge. I am glad to announce that no objection was raised on any point during the partition and that there was no occasion for the Registrar to give any advice or for any High Court Judge to intervene. I feel that Sri Ramalingam will now be satisfied that this Bill merely reproduces the provisions of the Ordinance.

" As regards the point raised by my hon. Friend Sri M. Palaniyandi, I submit that what he said does not come within the scope of this Bill. He wanted to go into the merits of the Co-operative Societies Act. That can be done when the Government bring forward a Bill to amend that Act or the hon. Member himself can bring forward a private Bill. This is a simple Bill reproducing the provisions of the Ordinance. My friend need not entertain any apprehension that any new provision has been introduced. This is a simple and harmless Bill which, I hope, will be accepted by the House."

SRI S. RAMALINGAM :—" இதை (என்னுடைய திருத்தத்தை) நான் வாபஸ் வாங்கிக்கொள்ளுகிறேன்."

The amendment was by leave withdrawn.

MR. SPEAKER :—" The question is—

' That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

Clause 2.

* SRI K. VINAYAKAM :—" Sir, in the name boards put up in the offices of the Andhra co-operative institutions referred to in clause 2 (*d*), the word ' limited ' is there. As far as my information goes, all these are limited concerns. I want to know whether the omission of the word ' Limited ' in respect of the institutions referred to in clause 2 (*d*) is a slip."

* THE HON. DR. U. KRISHNA RAO :—" With regard to the societies in the Andhra State, I have no information to give. I take the information from the hon. Member. But I do not think

4th January 1954] [Dr. U. Krishna Rao]

the omission of the word ' Limited ' makes any difference whatever. If the hon. Member insists upon putting that word, I have no objection. But I suggest that we may leave the matter at that, and I will consider it."

* Sri K. VINAYAKAM :—" Without the addition of that word, the Bill may be a defective one."

The Hon. Sri C. RAJAGOPALACHARI :—" Sir, this is merely a question about the legal position. The description of the co-operative institutions as ' limited ' may be right or wrong. If we do not say whether they are limited or not, there will be no difficulty whatsoever. Difficulty will arise only when we put in the word ' limited ' when they are not limited."

Clause 2 was put and carried.

Clauses 3 and 4, the Preamble and clause 1 were put and carried.

The Hon. Dr. U. KRISHNA RAO :—" Mr. Speaker, Sir, I move—

' *That the Bill be passed into law.*'

" I do not think I need make any speech now. I thank hon. Members for the suggestions and the co-operation they have given."

Mr. SPEAKER :—" Motion moved—

' That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be passed into law.' "

* Sri P. S. KRISHNASAMY AYYANGAR :—" Sir, . . ." 12-30 p.m.

Mr. SPEAKER :—" The hon. Member ought to have stood up long before."

* Sri P. S. KRISHNASAMY AYYANGAR :—" Sir, this Bill is necessitated by the formation of the Andhra State, and beyond the districts that have been included in the Andhra State, some portion of the quondam Madras State has gone over to Mysore. Nothing has been stated in regard to that portion. Has it been affected by this Bill or not? I want to know that."

* The Hon. Dr. U. KRISHNA RAO :—" Sir, so far as I know, no separate bank or handloom society or a land mortgage bank has been formed in Mysore as a result of the Andhra partition. There are already such institutions in the State of Mysore, and I submit, therefore, that question does not arise now."

* Sri K. VINAYAKAM :—" Sir, the Hon. Minister has not made the position clear. If my information is correct, there are co-operative societies in the abovementioned area. They were all

inside the composite Madras State. What happens to them? They have gone to the Mysore State. What happens to the bank and societies that were in Bellary area that has gone now to Mysore State? The Bill does not speak anything about these cases."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I may be permitted to explain. We have to divide the banks and the handloom co-operative society into two separate institutions with reference to Andhra and with reference to the Madras State. That division has been made. For that purpose, we wanted legislative sanction. The House was not sitting then. So an Ordinance was promulgated. The partition has taken place, and two separate institutions have come into existence. The institutions are operating in their respective areas. As far as Bellary area is concerned, it has been tacked on to Mysore State where there is already a co-operative organization with reference to banking operations and also with reference to the handloom societies. Therefore, by an enactment of the Mysore Legislature, they have to take over the management of all these societies and their affairs in the Bellary area. As such, there is no question of constituting a separate bank or handloom society with reference to that area. There was, therefore, no necessity to go into that question when we divided the assets and liabilities to form separate societies and separate banks. That being so, any mention here of Bellary area will not be appropriate. Mysore will take care of it. That Legislature will pass an enactment extending the jurisdiction of the bank to the Bellary area, over which they have got jurisdiction."

* SRI P. S. KRISHNASAMY AYYANGAR :—" It was previously included in the State Co-operative Societies Bill. Is it not to be excluded when the Andhra districts are excluded? Is not the Bellary area to be excluded from the operation of this Bill? "

* THE HON. SRI C. SUBRAMANIAM :—" Sir, in no circumstances can our enactment have jurisdiction over the Bellary area. Now it does not form part of our State. The Ordinance is being validated with reference to our society only operating within our State, whatever might have been our jurisdiction before 1st October 1953. We have absolutely no jurisdiction now over Andhra and Bellary areas. If we are validating, it is only with reference to the state of affairs prevailing in our State. Whether we exclude Andhra area or the Bellary area, whatever is passed here cannot have any validity with reference to the Andhra area or the portion of the Mysore State. Therefore, we need not bother about mentioning the Andhra area or the Bellary area. It is only validating the affairs pertaining to our State."

SRI A. RAMACHANDRA REDDIAR :—" What about the assets and liabilities? "

* SRI C. SUBRAMANIAM :—" They have already been allocated and decided. Hon. Members may refer to the Andhra State Act, wherein, I believe, provision has been made with reference to assets and liabilities."

4th January 1954]

* **SRI S. RAMALINGAM** :—" கூட்டுறவு கிரேடிட் சொசைட்டி, லாண்ட் மார்ட்கேஜ் பாங்க் இவைகளில் நம்முடைய காபிடல் எவ்வளவு, எவ்வளவு பேர்கள் கடன் வாங்கி இருக்கிறார்கள், எவ்வளவு அங்கத்தினர்கள் இருக்கிறார்கள், பிரிந்துபோன ஆந்திர மாகாணத்தில் எவ்வளவு பேர்கள் இருக்கிறார்கள், எவ்வளவு கடன் இருக்கிறது, அவர்களுக்குக் கிடைக்கவேண்டிய தொகை என்ன இவைகளையெல்லாம் சொன்னால்தான் இந்த சட்டத்தை பாஸ் பண்ணமுடியும். இப்பொழுது இருப்பது வெளிச்சமாக இருக்கிறது. சும்மா குட்டையில் எருமை மாட்டை போட்டுக்கொண்டு விலை பேசுவது போல் இருக்கிறது. இதை யெல்லாம் தெரிந்து கொண்டால்தான் இந்த மசோதாவைப் பாஸ் பண்ணமுடியும்."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I wish better language is used with reference to the proceedings of this House. Apart from that, if the hon. Member wanted that information, certainly it would be given to him. But he was keeping quiet during the first reading stage and also the second reading stage. But when the Bill is in its third reading stage, and is put to vote, if the hon. Member should rise and ask for information, I am really sorry for it. If the hon. Member is interested, certainly we will give the information to him. Even if he asks for information in the form of a question, the information will be made available to him. The question was gone into by the directors concerned. That is why Mr. Ramachandra Reddiar referred to the assets and liabilities of the banks and societies. After all, the shareholders are interested in this. They have taken these things into consideration when they divided the assets and liabilities. The only thing is that we have to give legislative sanction for that. For that only we are validating the ordinance."

MR. SPEAKER :—" The question is—

'That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be passed into law.' "

The motion was put and carried.

(2) THE MADRAS GENERAL SALES TAX (AMENDMENT) BILL[a], 1954.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to introduce the Madras General Sales Tax (Amendment) Bill, 1954, and move—

'*That the Bill be taken into consideration at once.*'

" Sir, I may explain the necessity for this Bill. There was an amendment to the General Sales Tax Act in the year 1951, which introduced a new section—section 2-A. Thereby a Tribunal was constituted in order to hear appeals against the decisions of officials lower down. The Tribunal consisted of a Chairman, who was a District Judge, and two other Members of whom one was a Chartered Accountant and the other a Deputy Commissioner of Commercial Taxes. Under the Act, it was incumbent that all the three Members of the Tribunal should sit together and dispose of cases. But we found in the actual working of the Act some drawbacks and

[a] **Published in the *Fort St. George Gazette*, dated 9th December 1953.**